



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210*

April 14, 2005

Miriam Conrad, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd floor
Boston, MA 02210

Re: United States v. Shawn Sandler
Cr. No. 04-10148-RCL

Dear Miriam:

I write this letter in response to your discovery letter dated march 29, 2005, and respond as follows.

The government is not presently aware of any information tending to indicate that someone other than the defendant set or attempted to set the fires described in the indictment.

The government will, consistent with its obligations concerning disclosure of Giglio and other impeachment evidence, disclose information regarding uncharged crimes committed by Todd Leccese of which the government is aware.

The government does not agree to your third request. In the government's view, the mere fact that someone else may have been responsible for a Chelsea fire unrelated to any charged in the indictment is not exculpatory. Under that logic, any fire anywhere that did not involve the defendant could plausibly be viewed as exculpatory. I do not read the rules or case law as interpreting the word exculpatory so broadly. Moreover, your request would require the government in essence to affirmatively locate and produce information not in the government's custody possession or control. Further, the request is simply overly broad in relation to the charged offenses where it would require the government to produce information relating to virtually every

Page 2

Chelsea fire over a 26 month period.

With respect to information regarding Mr. Leccese, I do not agree that his identification of others as being involved in fires unrelated to the indictment is exculpatory, for the reasons noted above. That being said, and also as noted above, the government will produce Giglio and impeachment evidence; this, in the government's view, would include evidence that Mr. Leccese was involved in other arsons during the same general time period.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/Donald L. Cabell
DONALD L. CABELL
Assistant U.S. Attorney

cc: Clerk of Court